

REMARKS

Claims 1-19 are pending.

Claims 7-15, 18, and 19 have been withdrawn from consideration.

If this Amendment is entered, claims 1 and 6 will have been amended to change their dependencies.

The Applicants thank the Examiner for indicating that claims 2-5 and 17 are allowed.

The rejection under 35 U.S.C. §112

Claims 1, 6, and 16 have been rejected for indefiniteness. According to the Office Action, these claims are indefinite because the phrase “Atorvastatin calcium Form V” is not defined in the claims.

The Applicants do not agree. As discussed in the previous Amendment, claims are definite if, when read in light of the specification, they apprise one of ordinary skill in the art of the bounds of the invention. Since the bounds of the phrase “Atorvastatin calcium Form V” are clearly apparent from the specification, the Applicants continue to believe that claims 1, 6, and 16, as they stood prior to this Amendment, were definite.

Nevertheless, in the interests of expediting prosecution, claim 1 has been amended to recite “Atorvastatin calcium Form V or hydrate thereof of claim 3.” It is believed that this amendment should lead to withdrawal of this rejection, even under the indefiniteness analysis set forth in the Office Action (which the Applicants do not agree is correct).

Withdrawn claims

The Applicants respectfully request rejoinder of the withdrawn claims.

Claims 7-15, 18, and 19 are process claims that depend from product claims that the Office Action indicated are allowed. Therefore, rejoinder is proper.

The time for responding to the Office Action was set for March 30, 2005.

Enclosed herewith is a Petition for the Extension of Time under 37 C.F.R. § 1.136(a) for a period sufficient to permit the filing of this paper.

The Applicants hereby make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for the Petition fee and any other fees required to effect this Conditional Petition.

Respectfully submitted,

BY:


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